

**Advance Questions for Lieutenant General James Clapper USAF (Ret.)**  
**Nominee for the Position of Under Secretary of Defense for Intelligence**

**DEFENSE REFORMS**

**The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.**

**1. Do you see the need for modifications of any Goldwater-Nichols Act provisions?**

By any measure, the Goldwater-Nichols legislation has been a resounding success. I see no need for modification this time; if confirmed, I will be alert to the need for change.

**2. N/A.**

**DUTIES**

**3. What is your understanding of the duties and functions of the Undersecretary of Defense for Intelligence (USD) (I)?**

If I am confirmed for this position, my primary responsibility will be to support the Secretary of Defense in discharging his intelligence-related responsibilities and authorities under Title 10 and Title 50 U.S.C. This includes

- Serving as the principal intelligence advisor to the Secretary of Defense.
- Exercising authority, direction, and control on behalf of the Secretary of Defense, over all intelligence organizations within the Department of Defense.
- Ensuring that intelligence organizations in the Department of Defense are manned, organized, trained, and equipped to support the missions of the Department.
- Ensuring that intelligence organizations in the Department which are part of the national intelligence community are responsive to the Director of National Intelligence (DNI), in the execution of the DNI's authorities.
- Ensuring that the combatant forces, the Joint Chiefs of Staff, and the civilian leadership of the Department are provided with appropriate intelligence support.
- Ensuring that counter-intelligence activities in the Department are conducted and managed efficiently and effectively.
- Overseeing Defense Department personnel, facility, and industrial security to ensure adequacy, efficiency, and effectiveness.
- Serving as the Program Executive for the Military Intelligence Program (MIP), and ensuring that the Defense components of the National Intelligence Program (NIP) are robust, balanced, and in compliance with guidance and direction of the DNI.
- Ensuring the Department provides the U.S. Congress with intelligence-related

information sufficient to execute its oversight responsibilities.

**4. What background and experience do you possess that you believe qualifies you to perform these duties?**

I have spent over 43 years in the profession of intelligence – in the military, in civil service, in the private sector, and in education. I have had the privilege and distinction of serving for a total of over eight and half years as Director of two of the national intelligence (and Combat Support) agencies, the Defense Intelligence Agency (DIA) (1991-1995) and the National Geospatial-Intelligence Agency (NGA) (2001-2006)

I retired as a Lieutenant General in 1995, after a thirty-two year career in the United States Air Force. My assignments prior to my four years as Director of DIA almost exclusively focused on intelligence and included the Chief of Air Force intelligence during operations DESERT SHIELD/DESERT STORM and as Director of Intelligence (J-2) for three combatant commands: U.S. Forces, Korea; Pacific Command; and Strategic Air Command. I commanded an airborne Signals Intelligence unit in combat, a national-level scientific and technical intelligence center, and an Air Force Electronic Security Wing. I served two year-long combat tours during the Southeast Asian conflict; during the second, I flew 73 combat support missions in EC-47 aircraft over Laos and Cambodia.

During my six and half years in the private sector, I served as an executive in four professional services companies in which my focus was on the intelligence community as a client. I both led business units, and served as a subject matter expert.

I have served on numerous government boards, commissions, panels, advisory groups, and task forces, addressing intelligence-related issues. I was a member of the Downing Assessment Task Force which investigated the Khobar Towers bombings in 1996; was Vice-Chairman of a Congressionally-mandated commission chaired by former Governor Jim Gilmore of Virginia on the subject of homeland security; and was a member of the National Security Agency Advisory Board for over four years. I am currently the Chairman of the CIA External Advisory Board, and am the Intelligence and National Security Alliance Distinguished Professor of Intelligence at Georgetown University.

I have worked with the Departments of State, Justice, Energy, and Homeland Security in the course of my career, and served for a total of 11 years in the Pentagon for administrations of both political parties. I understand intelligence at the strategic, operational, and tactical levels, having served in all three.

In sum, I believe I have the length, breadth, and depth of professional experience in intelligence at all levels, functions, and dimensions which distinctly qualifies me to serve as the Undersecretary of Defense for Intelligence.

**5. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the USD (I)?**

Yes. If confirmed, and if the Secretary of Defense concurs, I would restructure the organization of the USD(I) staff along functional lines, and patterned after the DNI staff, as Director McConnell intends to restructure it. This would help synchronize the Department of Defense intelligence components with the DNI.

**6. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?**

First and foremost, I believe the Secretary would expect me to discharge the duties and functions – both explicit and implicit -- outlined in the response to the previous question under “Duties.”

Secondly, the Secretary is committed to fully supporting the DNI, and ensuring that the DNI has visibility and authority over the full range of intelligence activities in the Department, without abrogating his statutory obligations.

Third, given the magnitude of the responsibilities of the USD(I), he will look to me to transfer any non-intelligence functions and activities now residing with the position of the USD(I), to the appropriate staff element.

**RELATIONSHIPS**

In carrying out your duties, how will you work with the following:

**7. The Secretary of Defense:**

I will attempt to relieve the Secretary of as many burdens in the intelligence domain as possible, will keep him informed, and seek his guidance and direction when appropriate.

**8. The Deputy Secretary of Defense:**

I would endeavor to keep the Deputy fully informed, seek his guidance and direction when appropriate, and support him in his role as the alter ego of the Secretary.

**9. The Under Secretaries of Defense:**

Each of the other four Undersecretaries has broad-gauged responsibilities and authorities, which impact on intelligence in DOD, and vice-versa. I intend to promote dialogue, understanding, and mutual support.

**10. The Assistant Secretary of Defense for Network and Information Integration:**

My approach with the ASD/NII would be the same as with the Undersecretaries. The relationship here needs to be especially close, since this office represents key enablers for the conduct of intelligence activities.

**11. The Deputy Assistant Secretary of Defense for Detainee Affairs:**

I am not directly familiar with this office, since I did not have occasion to interact with it in my former capacity as Director of NGA. I would expect to foster close collaboration, particularly with respect to oversight of detainee interrogation policy and procedures.

**12. The Deputy Assistant Secretary of Defense for Special Operations/Low Intensity Conflict.**

In the current world environment, the importance of Special Operations has grown. There are pervasive interactions between intelligence and special operations which entail mutual support and clear lines of responsibility and oversight. I intend to pay close attention to this relationship.

**13. The Service Secretaries and the Service Intelligence Directors.**

Having served as a Service Intelligence Director, I believe I understand their perspectives and responsibilities to man, organize, train, and equip the intelligence forces in each of the services. As such, I intend to support their needs, and work with them to address these needs primarily through the management of the Military Intelligence Program. I would also maintain an open dialogue with the Service Secretaries, providing guidance and direction in intelligence and related issues, when appropriate.

**14. The General Counsel of the Department of Defense:**

I am acutely aware of the crucial role the DOD GC plays, particularly because of the many complex legal issues that arise in intelligence, security, and counter-intelligence. I have worked closely with this office as an intelligence agency director twice, and as Chief of Air Force Intelligence. I am very interested in maintaining the current superb level of support from the Office of the DOD General Counsel, particularly the senior “embedded” attorney assigned to OUSD (I), for liaison and requisite legal guidance.

**15. The Commanders of the Combatant Commands:**

I believe it is a prime obligation of the USD (I) to ensure that the intelligence needs of the

COCOMS are fulfilled. I have served as the Director of Intelligence in three of these commands, and have visited all of them many times during the course of my career. I believe I have an informed perspective on each of them. I intend to have an open dialogue with them, and, when possible, travel to each of the commands to understand current needs and concerns. I would anticipate working closely with the respective Directors of Intelligence (J-2's) on a routine basis.

**16. The Directors of the Defense intelligence agencies.**

Having served as Director of two of these agencies (DIA and NGA), spent 8 years at NSA, and worked closely with the NRO for over 30 years, I believe I have a reasonably sound grasp of the cultures, capabilities and shortfalls of each of them. I intend to work closely with the Agency Directors to (1) stay informed as to what they are doing; (2) assist them when possible; (3) and provide direction and guidance when appropriate.

**17. The Under Secretary of the Air Force:**

This relationship will be different than it was when I most recently served as Director of NGA. Traditionally, this position has been dual-hatted as the Director of the NRO; currently, these two positions are separate. I believe this is a much sounder arrangement. The Under Secretary's remaining responsibilities still intersect with those of the NRO, so I would anticipate coordination and collaboration.

**18. The Director of National Intelligence:**

I would anticipate a very close relationship with the DNI. The Secretary of Defense wishes to synchronize DOD intelligence with the DNI. Eight of the 16 components of the Intelligence Community are embedded in DOD, which constitute a substantial portion of the nation's intelligence capabilities and resources. I believe there are improvements that can be made by clarifying this relationship institutionally, and partnering with the DNI to manage intelligence as a seamless enterprise. I agree with ADM McConnell's priorities, and intend to work cooperatively with the DNI to bring them to fruition, without compromising the Secretary's statutory responsibilities and authorities. On a personal level, ADM McConnell and I have been professional colleagues and personal friends for over 20 years. I anticipate a very close, productive relationship with the DNI.

**19. The Director of the National Counter Terrorism Center:**

I worked with the Director of the NCTC when I served as Director of NGA. I was committed to the success of the NCTC then, and would, if confirmed, continue to support the mission of this crucial organization. I know and greatly respect VADM Redd, having worked with him when he was a member of the WMD Commission.

**20. The Deputy Directors of National Intelligence:**

I would intend to foster a collaborative relationship with the DDNI's, as well as with designated counterparts on the USD(I) staff. It would be my intent, if confirmed, to pattern the USD(I) staff after the ODNI, as ADM McConnell intends to re-structure it. This, we are both convinced, will promote closer coordination with counterparts. I have known and worked with all the Deputy Directors of National Intelligence, and would leverage these past productive working relationships, as the USD(I).

**21. Officials in the Department of Homeland Security with intelligence responsibilities:**

I would intend to bolster the close relationship I had with these officials when I served as Director of NGA. I am familiar with these elements, since NGA provides dedicated support to them, particularly during national security special events, and in the wake of natural disasters such as Hurricanes Rita/Katrina. I have known the current Assistant Secretary for Intelligence, Mr. Charlie Allen, for over a quarter of a century; he is a respected professional colleague and close personal friend, and I would anticipate a continued close and collaborative relationship.

**MAJOR CHALLENGES, PROBLEMS AND PRIORITIES**

**22. In your view, what are the major challenges that will confront the USD (I)?**

Since I am nominated but not confirmed, I do not have an inside perspective, but believe there are sets of issues that are virtually perpetual, which I would outline as follows:

--Internal to USD(I): There are organizational, structural, and personnel issues that will have to be dealt with arising from a change in leadership.

--Internal to DOD: Collectively, there are challenges confronting all of the 8 intelligence components of the Department. Similarly, each has component-centric issues and challenges. If confirmed, I will have to select and rank those which merit the attention from the USD (I) level. This includes--by way of example, but not exhaustion--acquisition challenges at NSA, NGA, and the NRO; human capital issues across all components; programming and financial management issues; oversight concerns involving the nexus of the needs of national security and civil liberties; the balancing of resources to satisfy many competing requirements, etc. Above all, of course, are the continuing challenges involved in ensuring intelligence support to our forces in harm's way, particularly in Iraq and Afghanistan. This includes--again, by way of selected examples--intelligence support to thwarting improvised explosive devices, sharing intelligence with coalition forces, ensuring the flow of intelligence to and through the "last tactical mile" (or, perhaps more aptly, the "first tactical mile"); countering the adversary use of the internet; and substantially improving foreign language capabilities.

--Intelligence Community: A major challenge (and an opportunity, as well) is to crystallize the relationship with the Director of National Intelligence. Challenges here include sharing and collaboration between and among the “stovepipes;” overhauling security policies; improving acquisition; clarifying roles and responsibilities in clandestine activities, building on the success of the National Clandestine Service; and transforming analysis.

**23. What do you anticipate will be the most serious problems in the performance of the functions of the USD (I)?**

This question infers to me “what are the internal obstacles to optimum performance of the USD (I) staff in the discharge of its functions and responsibilities?”

It appears to me that the current organizational structure of the USD(I) is neither optimized for the missions it must perform, nor postured for the relationship that should exist with the DNI. The lack of a designated full-time deputy has hindered internal coordination. Moreover, I do not believe the current staff is large enough to fulfill their existing responsibilities.

**24. Assuming you are confirmed, what plans do you have for addressing these challenges?**  
**See #26**

**25. What management actions and time lines would you establish to address these problems? See #26**

**26. What broad priorities would you establish in terms of issues which must be addressed by the USD(I)?**

I would cite the organizing principles of General Templar, the successful architect of the British counter-insurgency campaign in Malaya:

- Get the priorities right
- Get the instructions right
- Get the organization right
- Get the right people into the organization
- Get the right spirit into the people
- Get out of the way so they can get on with it.

If confirmed, I would intend to use the short tenure I will have as an advantage, by focusing on the issues I have outlined in the responses to the earlier question on major challenges, and driving progress with a sense of urgency.

Accordingly, I anticipate promulgating a “Campaign Plan” --- a concise, yet comprehensive statement of strategic intent, in which I would describe objectives, priorities, and instructions, to reinforce those of the Secretary and Deputy Secretary. This will be the vehicle I would use to articulate a common understanding, and to elicit a common commitment by all DOD intelligence components, to a shared set of goals.

I would hope to roll out this “Campaign Plan” very early in my tenure. In doing so, I intend to consult with the four agency directors and the four service intelligence chiefs to gain their “buy-in.” I would intend to capitalize on the initiative already underway to build integrated ground

architecture, and to harmonize that with similar efforts underway by the DNI. This will form the basis for real-time collaboration and data dissemination to the war-fighter. I would intend to empower the component heads by delegating the authorities necessary to lead their components, and in so doing ensure that USD(I) is an enabler, not an impediment, to their success.

And, I would rely upon them. I have “been there, done that,” both as an agency director (twice), a service intelligence chief, and a J-2 (three times), so I know their respective perspectives. I would demand that they lead and manage their respective components as part of the enterprise – and then hold them accountable—just as I wanted to be treated when I held these positions.

I would particularly engage the active participation of the Service Intelligence Chiefs—who these days are understandably consumed with operational issues-- in the dynamics of DOD intelligence. Their tactical military perspectives are crucial. I would plan to engage actively with the Military Intelligence Board, and to invigorate the Senior Military Intelligence Officer Conferences as a forum to engage all the component leadership.

Staff members who are expert only in DOD must be rotated to the Agencies, Services, or Combatant Commands to gain “life experiences,” (in accord with the emphasis on “joint duty” for the entire Intelligence Community). Overseers must be at least as knowledgeable as those whom they oversee. Similarly, other experts need to be brought in to deal with new and changing challenges, to replace dedicated but out-dated bureaucrats.

Where appropriate, I would intend to travel to commands with component heads or their senior representative, involving them in problem identification and resolution.

I would look for ways to implement small, quick-reaction capabilities, which often get lost in the wake of the “big ticket” programs.

I would impose a “Ten-Day Rule” for staffing issues and making decisions, acknowledging that many issues are complex and perpetual.

I would intend to conduct an in-progress review of HUMINT activities, both within the Department (to include the involvement of Special Operations), and externally with the CIA and the National Clandestine Service.

In sum, I would quote from LTC John Nagl’s landmark book, LEARNING TO EAT SOUP WITH A KNIFE. While nominally a comparison of the British experience in Malaya to that of the American effort in Vietnam, it is really about cultural change, or more precisely, about the manner in which organizations fail to adapt to change. Nagl cites an instructive exchange between Field Marshal Montgomery and Colonial Secretary Lyttelton, as they contemplated the way ahead in Malaya:

“Dear Lyttelton:

Malaya.

We must have a plan.

We must have a man.

When we have a man with a plan, we will succeed.

Not otherwise.

Montgomery.”

I trust the Committee, and in turn the full Senate, will support this man with a plan.

### **INFORMATION SUPERIORITY:**

**One major criticism of the creation of the Office of the USD(I) was the separation of intelligence from the Department’s other information-intensive functions (such as command, control, information systems, Chief Information Officer, and cyberspace defense) and the creation of a new Assistant Secretary position to manage the latter (the Assistant Secretary of Defense for Network and Information Integration – ASD(NII)). Critics argued that it was unwise to split these functions, since they are inherently closely related and should be integrated as part of a strategy for achieving "information superiority." The counter-argument was that the intelligence function had become so important and complex after September 11<sup>th</sup> that it required full-time attention at the Under Secretary level.**

#### **27. Do you believe that the USDI and ASD(NII) positions should remain separate?**

Yes. I regard the establishment of the position of USD(I) as long-overdue recognition of the importance, magnitude, and complexity of intelligence. There is no more rationale for subordinating intelligence to the stewards of the means for conveying and protecting it, than for any other form of information. Virtually any endeavor in DOD – operations, logistics, acquisition, medical, personnel, as well as intelligence-- are all information-intensive. The ASD/NII now has a holistic perspective to all forms of information, not just intelligence. It is in a better position to look across all information domains, and promote integration, robust networking and security.

#### **28. If you do think the positions should remain separate, do you think that there are adequate mechanisms in place for coordination and integration of the two broad functions?**

Again, I do not have the “insider” perspective, but it is my impression that sufficient coordination and integration mechanisms for the two functions do exist. If confirmed, I would certainly plan to verify that this is so, and would take appropriate action if I see need for improvement.

### **INFORMATION SHARING**

**There are still strong barriers to sharing, or allowing access to, the mass of intelligence data that has not been included in finished reports or analyses and approved for dissemination within the intelligence community.**

**In one response to the problem, Congress mandated an “information sharing pilot”**

**program between the National Security Agency (NSA) and the Defense Intelligence Agency's (DIA) Joint Intelligence Task Force for Combating Terrorism (JITF-CT), which provided access for JITF-CT analysts to some NSA databases containing unevaluated or "raw" intelligence. This pilot program demonstrated that U.S. persons' privacy can be fully protected by giving non-NSA analysts the same training that NSA analysts receive in minimization procedures, subjecting the non-NSA analysts to the same auditing procedures, and ensuring that non-NSA analysts would be disciplined the same as NSA analysts for any transgressions. Since this pilot concluded, NSA and DIA have negotiated a Memorandum of Understanding (MOU) making access permanent. This MOU is now available to other intelligence agencies as a model agreement for broadening access to NSA terrorism information (but not information collected under the Terrorist Surveillance Program).**

**29. Do you support extending the access that DIA's JITF-CT has gained to NSA databases to other organizations?**

Like the NSA/DIA "information sharing pilot" mandated by the Congress, NSA and NGA embarked on a similar arrangement whereby NGA employees were given access to selected NSA "raw" databases in the interest of collaboration between the disciplines of SIGINT and GEOINT. The centerpiece for this relationship was the GEOCELL, but the approach was expanded to other collection and analytic challenges. The agreement I struck with General Hayden, then DIRNSA, was that any NGA employees who were given (selected) access to SIGINT data had to abide by the same rules as NSA employees, i.e. training, compliance with US Signal Intelligence Directive 18, auditing, and accountability for any transgressions. This program enjoyed great success, and is still extant. So, yes, absolutely, I would support selectively extending such access to other agencies and other issues, under the same ground rules.

**30. If this model can work for NSA's sensitive signals intelligence information, do you believe it would also work for CIA's human intelligence data bases?**

**Allowing outside analysts to access foreign intelligence data in the forms in which it is collected carries the risk that analysts will sometimes not understand it and could be overwhelmed by the volume of it. This concern has prompted proposals to augment access to raw foreign intelligence data with (1) multi-disciplinary teams composed of experts from each of the collection disciplines (imagery, signals, and human intelligence) and led by all-source analysts; and (2) advanced information technology tools to help analysts search large data holdings for correlations and connections and to understand the results. Indeed, the individual intelligence agencies are exploiting this very technology as the means to cope with information overload. This technology could be used by analysts outside these agencies.**

Yes, I do, with the provision of analogous ground rules.

**31. Do you support the concept of cross-agency and cross-discipline analytic collaboration, either virtually or through physical co-location, on the basis of common missions or targets where all the analysts have common access?**

Yes, I do, when such arrangements make sense and hold the promise of better intelligence products, services and solutions. My only reservation about such arrangements is that in the rush to proliferate and "universalize" them, tradecraft considerations are compromised. That is,

one of the great strengths of our system of intelligence is the championing of the respective tradecraft by each of the intelligence disciplines. We must be careful not to homogenize all analysis; each form brings complementary attributes to the table, which serves to promote competitive analysis.

**32. Do you support the paradigm that the information gathered by the various collection agencies, such as CIA, NSA, and DIA, is not “owned” by those agencies, and those agencies not control decisions about who should get access to collected information?**

Yes.

**33. Should the Director of National Intelligence (DNI), rather than individual agencies, decide who should get access?**

Yes. The DNI should have benefit of input from each of the data “owners,” but the rule sets should be established by the DNI.

## **HOMELAND DEFENSE**

**With the establishment of the positions of USD(I), the Assistant Secretary of Defense for Homeland Defense, and the Commander of Northern Command, the DOD has been fundamentally reorganized to better address the critical homeland defense mission.**

**34. In your view, what challenges lie ahead in integrating the intelligence capabilities of the DOD with those of the Department of Homeland Security and other associated Federal, State, and local agencies?**

I believe there are two dimensions to this question.

One relates to intelligence support to military forces which are under the aegis of NORTHCOM. The relationship is straightforward and conventional – that is, intelligence support is rendered to NORTHCOM and its subordinate components, just as it would be rendered to any other combatant command.

The second relates to the support which may be rendered to the Department of Homeland Security, or some component of the Department, directly. This is primarily, but not exclusively, an issue for the agencies. In NGA’s case, for example, virtually all of its products, services, and solutions traditionally employed in a foreign intelligence context can be applied in a domestic context. Two issues are relevant here: (1) legal constraints on domestic surveillance, and (2) potential competition for resources. It has been my experience that both concerns are manageable.

I think the Department of Homeland Security has a very important role to play, to broker, validate and prioritize requirements from all of its constituents, particularly at the state and local levels. I do not believe it prudent to allow, for example, direct tasking of Intelligence

Community components by state and local officials. There must always be a “lead federal agency” to vet and sponsor such needs.

**35. Does the DOD’s existing requirements process adequately support the establishment of intelligence requirements for the homeland defense mission?**

I do not have current information about how the process works now, but from my NGA experience, I thought it worked well.

**36. As a former Director of the National Geospatial-Intelligence Agency (NGA), do you believe that you had sufficient latitude and resources to assist domestic authorities in emergency situations, such as existed in the aftermath of the 9/11 attacks.**

Yes, I did.

**37. Are you satisfied that there is adequate oversight within the DOD on the domestic activities of the U.S. NORTHERN Command?**

I have no evidence to the contrary, but if confirmed, would be vigilant to concerns about domestic surveillance activities.

## **TRANSFORMATION**

**Secretary Rumsfeld established transformation of the Armed Forces to meet 21st century threats as one of his highest priorities.**

**38. In your judgment, what is the role of intelligence in the overall transformation process?**

Intelligence is a key enabler for transformation. I can think of no military capability or doctrinal tenet that would not be heavily dependent on and influenced by intelligence.

**39. Specifically for the defense intelligence community, what do you believe transformation should mean?**

I believe there are two meanings implied in this question. As indicated in the response to the previous question, intelligence is a key enabler for transformation writ large. And, while it is enabling department-wide transformation, intelligence must transform itself as well. This means transformation of policies, tactics, techniques, procedures, and technology.

**40. In your view, what transformational capabilities does our intelligence community require?**

One could name a long list; some illustrative examples follow: We should ultimately acquire the global “god’s eye” and “god’s ear” collection and surveillance capability for foreign intelligence needs. We need a robust integrated ground architecture that is secure, consistent, reliable, and has multi-level security. We need much more automation to relieve analysts of tedious “grunt” work that can be done by computers (e.g. automatic target recognition, automatic feature extraction, to name two specific cases I am familiar with). We must improve collaboration and information sharing both internally within the Intelligence Community, and

externally with partners and customers. And, we need to vastly improve language capability and proficiency.

## **THE ORGANIZATION OF DEFENSE INTELLIGENCE**

**The defense intelligence structure has evolved over the years, most recently with the creation of the Defense Human Intelligence Service in 1996, the establishment of the NGA in 1997, the formation of the Counterintelligence Field Activity (CIFA) in 2002, the creation of the Joint Functional Component Command for Intelligence, Surveillance, and Reconnaissance, and the evolution of the Joint Intelligence Centers (JICs) at the combatant commands into Joint Intelligence Operations Centers (JIOCs).**

**41. In your view, is the current organizational structure of defense intelligence the best structure to support military and national intelligence needs?**

The current organization of the Intelligence Community and its Defense components are a product of a historical evolution which traces its heritage from the National Security Act of 1947 through the Intelligence Reform and Terrorism Prevention Act of 2004.

Whether what we have is the “best,” is heavily dependent on the criteria for “best.”

I would observe that if one were to start with a blank piece of paper and were tasked to design the optimum Intelligence Community for the environment of today and the future, we would probably end up with another design. But, “we are where we are.”

**42. If not, what changes would you recommend to the current structure?**

I have given this matter a great deal of thought. At this point in time, I have no major recommendations for change. Both the DNI and the USD(I) are works in progress. I think we would be well served to allow them to mature before mandating yet more change.

In the future, however, it may be worth considering the stand-up of a cabinet-level Department of Intelligence, composed of the major “engines of intelligence.” Such a construct would provide products, services and solutions in common to a wide variety of customers. Even after the IRTPA, we still have the basic organizational framework that has been built piecemeal since 1947. I believe that intelligence is so crucial to the safety and security of this nation, that it could merit the stature and prominence represented by a full-fledged cabinet department. This is not to suggest that, under such a construct, the other cabinet departments – most notably DOD – would not still require robust organic intelligence capabilities. However, I see no prospect that such a radical change is feasible, so it is not something I would recommend at this time.

**43. Do you think that DOD and (the) Office of the Director of National Intelligence (ODNI) are effectively integrated operationally?**

No, I do not; this is not a criticism necessarily, but rather a function of a new arrangement and new relationships maturing. As stated previously, both organizations are works in progress. I have every confidence that integration, coordination, and collaboration will continue to improve.

**44. Do you believe that the ODNI is organized properly to enable efficient joint planning**

## **and execution of intelligence operations and activities?**

I believe that neither the ODNI nor the USDI staffs are organized optimally to promote efficient collaboration and coordination. Both need re-structuring; if confirmed, I intend to pattern the USDI staff after his reorganized DNI staff. Doing so will facilitate staff interactions and promote synchronization.

### **45. For example, is there an analog to the DOD JIOC under the DNI? Should there be?**

One component of the DNI structure, the NCTC, is “JIOC-like.” Otherwise, the DNI’s missions and responsibilities are not “operational” in the classic DOD sense.

## **HUMAN INTELLIGENCE AND SPECIAL OPERATIONS**

**Former Secretary of Defense Rumsfeld emphasized enhancing the human intelligence capabilities of the DOD both within the Defense HUMINT Service and Special Operations Command (SOCOM). Military forces, and especially SOCOM forces, have been assigned the mission to conduct military operations against terrorists abroad. This mission requires that the military be prepared to act against terrorist targets in a wide variety of situations abroad. It has been asserted that DOD personnel have deployed to foreign countries and engaged in counterterrorism activities without the approval or knowledge of the cognizant Ambassador or the Chief of Station. Concerns have also been raised that some military activities constitute covert actions that under the law require a Presidential Finding.**

### **46. Do you think that military activities in the areas of intelligence gathering, preparation of the battlefield, and the use of force, conducted pursuant to the counterterrorism mission, constitute covert actions under the law?**

The term “covert action” is statutorily defined to mean “...an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States will not be apparent or acknowledged publicly....” Conversely, as I understand it, the Congress also statutorily stipulated certain categories of activities which would not constitute covert action. They include acquiring intelligence, traditional counterintelligence, traditional operational security, traditional military activities, or administrative activities. Clandestine activities—a term that is not statutorily defined—are those activities conducted in secret, but which are, in an intelligence context, passive in nature. For me, the crucial distinction lies in whether an activity is “passive” (which is the case with intelligence activities) or “active” (which is the case with covert action). It is my understanding that military forces are not conducting “covert action.”

### **47. Do you think that the (US) ambassador in a country should always be informed of all military activities taking place in that country?**

Yes. If confirmed, I would only have jurisdiction over DOD intelligence activities. My cardinal rule when I was the Director of DIA was that all military intelligence activities under DIA’s purview would be made known to, and approved by, the respective Ambassador and Chief of Station. I would, if confirmed, continue that policy.

### **48. Do you think that coordination and cooperation among the DOD, the State Department, and the ODNI have been adequate regarding sensitive military operations**

**abroad?**

I am not in a position to answer this question authoritatively. If confirmed, I would certainly be attentive to this concern.

**49. To your knowledge, what is the Department's policy with respect to acknowledging that the U.S. military personnel involved are members of the U.S. Armed Forces in the event that they are taken into custody by a foreign nation in which they are conducting these activities?**

Assuming "these activities," are "clandestine" (as opposed to "covert actions"), the operative DOD policy is to acknowledge the affiliation of military members in such a circumstance.

**50. What are your views regarding the recommendation of the 9/11 Commission that the DOD take over responsibility for all so-called paramilitary missions?**

I am personally opposed to this proposal. I think it would remove an "arrow from the quiver" of potential capabilities available to the President.

#### **NEED FOR INDEPENDENT INTELLIGENCE ANALYSIS**

**Intelligence analysis should be independent and free of political pressure that it reach a certain conclusion, including a conclusion that fits a particular policy preference.**

**51. If confirmed, would you ensure that all intelligence analysts within the DOD, including those who may be seconded to offices that are not part of the defense intelligence structure, is free from such pressure?**

Yes. Absolutely.

**52. What is your position on whether intelligence officers and analysts should be able to testify to Congress on their professional conclusions regarding a substantive intelligence issue even if those views conflict with administration positions?**

I have hard-won personal experience in this regard. Accordingly, I have a very strong conviction that intelligence officers should be free to speak their mind before the Congress. This is regardless of whether their views comport with administration positions or not, so long as it is made clear that such views are personal, not those of the administration.

#### **CONTROL OF INTELLIGENCE AGENCIES WITHIN THE DOD**

**The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 granted the DNI control over the preparation and execution of the National Intelligence Program budget and tasking of national intelligence operations. However, IRTPA also contained language asserting that nothing in the Act should be construed as to impair the authorities of**

**secretaries of cabinet departments, and the Secretary of Defense has delegated “direction, control, and authority” over the national intelligence organizations within the DOD to the USDI – the highest form of authority in the executive branch.**

**53. What are your views on the balance of authorities accorded in IRTPA to the DNI and to cabinet secretaries, particularly the Secretary of Defense?**

In a sense, they appear to be evenly balanced. On one hand, Title I of the IRTPA ascribes extensive authorities over the Intelligence Community to the DNI; on the other hand, Section 1018 stipulates that these authorities are to be executed “...in a manner that respects and does not abrogate the statutory responsibilities of the heads of departments....”

**54. What are your views on the extent of the grant of “authority, direction, and control” to the USDI over DOD national intelligence organizations?**

The phrase “authority, direction, and control” is the highest expression of executive branch power and influence. The dictionary definitions of these terms are quite inclusive and encompassing. In practice, however, policies, practices, and procedures have evolved since 1947 so that the exercise of “authority, direction, and control” virtually always comports with the requirements of the (now) DNI, based upon mutual understanding. I have served as Director of two Combat Support Agencies, which also have national intelligence responsibilities. There is an art form to balancing both obligations. The more time I have spent in the Intelligence Community, the more I have come to appreciate the importance of both personal relationships among senior leaders and the value of established ways of conducting business. These factors are almost as influential as statutes and their interpretation.

**55. What type of relationship would you strive to establish, if you are confirmed, with the DNI to ensure that DOD interests in national intelligence are satisfied, that DOD adequately assists the DNI in discharging his responsibilities, and that the defense intelligence agencies are properly managed?**

If confirmed, I intend to explore with VADM McConnell potential formal institutional arrangements that would serve to clarify the relationship between the DNI and the USDI so that not only DOD and DNI interests--but those of the nation--are better served.

**56. Do you believe that the relationships, authorities, processes, and structures in place between the DOD and the DNI provide sufficient influence for the DOD to ensure that the intelligence capabilities DOD will need in the future to prepare for and conduct military operations will be developed and acquired through the National Intelligence Program?**

Yes. There is a long history of the National Intelligence Program (in its previous form as the National Foreign Intelligence Program) satisfying military requirements. I have seen no degradation in this practice. The USDI is in a strong position to influence such support. Moreover, the newly created Military Intelligence Program (MIP) in DOD is much more coherent, and a better parallel to the NIP, than was the combination of the predecessor program, the Joint Military Intelligence Program (JMIP) and the aggregation of what was called Tactical Intelligence and Related Activities (TIARA). These two programs (the NIP and MIP) provide a congruent programmatic basis for improved intelligence capabilities.

## **PERSONNEL SECURITY**

**The Washington Post reported on February 7, 2007, that Admiral McConnell, in testimony before the Senate Select Committee on Intelligence, expressed the intention to alter the rules governing the granting of security clearances to U.S. citizens who are naturalized or born here to immigrant parents. Under existing rules, it is difficult for these citizens to gain security clearances if any of their family members live abroad or are not citizens. This hurdle makes it very difficult for the intelligence community to hire American citizens with much-needed language skills, cultural knowledge, and physical characteristics to assist in the war on terrorism, counter proliferation, counter narcotics, and other critical missions.**

**57. Do you agree with the view attributed to the DNI regarding the need to re-examine the rules and processes for clearing U.S. citizens in light of the pressing needs of the intelligence community for the skills our citizens possess?**

Yes.

### **JOINT DUTY ASSIGNMENTS**

**The Goldwater-Nichols Act mandated joint-duty tours for military officers as a condition for promotion and instituted processes intended to ensure that personnel serving in joint-duty billets are promoted at the same or higher rates as those who did not serve in joint-duty assignments. This measure was enacted in order to raise the quality of personnel serving in joint assignments, such as on the Joint Staff, combatant command staffs, and the Office of the Secretary of Defense, and to instill a joint perspective in the officer corps across the armed forces. By any measure, this requirement has paid enormous dividends. The 9/11 Commission urged adoption of similar requirements for intelligence community civilian personnel, to achieve the same goals – improving the quality of staff serving in community positions, and nurturing joint perspectives. The Intelligence Reform and Terrorism Prevention Act of 2004 did not actually mandate the adoption of this reform, and, to date, the Office of the DNI has not acted on the 9/11 Commission recommendation.**

**58. The new DNI has indicated a strong desire to establish an ironclad joint tour requirement for intelligence community civilians. If confirmed, would you support this decision?**

Philosophically, I am in agreement with Intelligence Community civilian employees diversifying their professional horizons through joint duty. I spent nine years on active duty after the enactment of the Goldwater-Nichols Act, and experienced (endured) the evolution of the rules governing joint duty, particularly which billets “counted” for joint duty credit, and which ones didn’t. As in all such initiatives which potentially have a profound impact on employees’ careers and lives, the “devil will be in the details” of implementation. I would hope that the components of the Intelligence Community are granted some latitude to manage this program in a “crawl-walk-run” manner to achieve the objective.

**59. Would you support legislation in this area if the DNI judges it to be necessary?**

Yes, but I would hope the program could be developed and executed without legislation.

## **ACQUISITION OVERSIGHT**

**The National Defense Authorization Act for Fiscal Year 2003 and the Intelligence Reform and Terrorism Prevention Act of 2004 mandated that Milestone Decision Authority (MDA) could no longer be delegated to, or exercised by, the Director of the NSA. Congress took this action because of serious deficiencies in NSA's systems acquisition capabilities that prevented the Agency from effectively modernizing signals intelligence capabilities to meet new threats. Since Congress first acted to stimulate better executive branch oversight of NSA systems acquisition, NSA's transformation program, Trailblazer, has been terminated because of severe management problems, and its successor, Turbulence, is experiencing the same management deficiencies that have plagued NSA since at least the end of the Cold War.**

### **60. What is your view of the seriousness of the acquisition management problems at NSA?**

While I have some familiarity with acquisition issues at NSA, I am not sufficiently informed about current challenges to comment authoritatively.

### **61. What are your views about the ability of current NSA personnel to effectively execute a transformation program?**

I have the highest regard for the NSA workforce. I have no doubt about their ability to execute a transformation program.

### **62. Do you think that the TURBULENCE activity should remain disaggregated and not managed as an integrated major program?**

Again, I am not informed about the TURBULENCE activity. If confirmed, I would intend to become familiar with it, and then, in consultation with DIRNSA and the DNI, decide what action should be taken.

### **63. If confirmed, what actions would you take to strengthen oversight of NSA's transformation efforts?**

If confirmed, I would first determine what oversight is currently underway, and work with the DNI staff to establish a coherent, systematic, and joint DNI/USDI (in conjunction with USD(AT & L) oversight program.

## **COUNTERINTELLIGENCE FIELD ACTIVITY (CIFA)**

**The DOD has established an organization called the Counterintelligence Field Activity (CIFA). CIFA is reportedly charged with protecting military facilities and personnel and carrying out intelligence collection, analysis and operations within the United States.**

**64. Do you believe that it is appropriate that DOD has such an organization (CIFA)?**

Yes. It is imperative that foreign collection efforts against the Department are aggressively detected, and then neutralized. CIFA fulfills the counterintelligence mission at the strategic (in contrast to the operational or tactical) level. This is an inherent responsibility of the Department which I feel cannot be abrogated. It is equally important that the proper balance be struck between the counterintelligence mission on one hand, and the protection of civil liberties on the other.

**65. What is the appropriate division of functions and responsibilities between such a DOD organization and the National Counterintelligence Executive (NCIX) within the intelligence community?**

CIFA's focus is on DOD equities, whereas the NCIX has a broader, national perspective. NCIX promulgates broad strategies; reaches out to industry, academic institutions, and other non-military entities; and it oversees the counterintelligence functions in other government agencies and departments. If confirmed, I will look for opportunities to promote closer collaboration between CIFA and the NCIX.

**66. Are you comfortable with CIFA reporting to the USD(I)?**

**CIFA is responsible for the TALON data base that was found to have inappropriately included information on U.S. persons, including reports on peaceful civilian protests and demonstrations inside the United States, in contradiction of Executive Orders and the rules published by DOD.**

Yes, I am comfortable with the current reporting chain, but if confirmed, I will explore other options.

**67. What are you(r) views on the steps that should be taken to preclude the possibility that CIFA or any other DOD organization deals inappropriately with information on U.S. persons?**

I am strongly supportive of protecting civil liberties. The history of the Intelligence Community is replete with instances of abuse of civil liberties – well intended, but abuse nonetheless. The requisite elements of a program to prevent such abuse are (1) clearly articulated and widely publicized policies; (2) training, both basic and refresher; and (3) a mechanism to verify compliance independently. I am given to understand that in the instant case, corrective actions have been taken to preclude the collection and inclusion of such inappropriate information. If confirmed, I would plan to familiarize myself in more detail with the corrective actions taken and underway, and their effectiveness. I will be particularly interested in determining how compliance is monitored independently.

**ROLE IN ACQUIRING SPACE SYSTEMS**

**68. If confirmed, what role do you anticipate you would have in the requirements process for, and in oversight of, the acquisition of space systems, including space systems for which milestone decision authority rests with either the Under Secretary of Defense for Acquisition, Technology, and Logistics or the DOD Executive Agent for Space?**

I am not informed on exactly which space reconnaissance systems are under the milestone decision authority of either of these officials. If there are such systems under their purview, I would, if confirmed, expect to be heavily involved in these management processes, particularly the exercise of milestone decision authority.

## **INSPECTOR GENERAL REPORT**

**On February 9, 2007, the DOD Inspector General (IG) issued a report entitled "Report on Review of the Pre-Iraqi War Activities of the Office of the Under Secretary of Defense for Policy." That report concluded that the Office of the Under Secretary of Defense for Policy (OUSD(P)) "developed, produced, and then disseminated alternative intelligence assessments on the Iraq and al-Qaeda relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community, to senior decision makers." The DOD IG concluded that these actions were "inappropriate," and that "this condition occurred because the OUSD(P) expanded its role and mission from formulating Defense Policy to analyzing and disseminating alternative intelligence."**

### **69. What are your views of the IG's report?**

I have read both the DOD IG report on this matter and the OUSD(P) rebuttal. I think this episode is a regrettable example of apparent lack of trust in the analyses performed by the Intelligence Community. I note that this occurred before the establishment of the Office of the Undersecretary of Defense for Intelligence. If confirmed, and if such a situation were to arise again, I would hope to be involved, to ensure that (1) policy-makers and decision-makers are fully supported; (2) that all potential intelligence alternatives are thoroughly explored and vetted, and (3) that any differing viewpoints are made known to all involved parties.

As a general comment, I am strongly opposed to any misrepresentation or distortion of intelligence.

### **70. If you are confirmed, how would you ensure that DOD intelligence elements, as distinct from policy offices, engage in intelligence activities?**

The first priority in this context is vigilance. Intelligence officials must be alert to attempts by those outside the Intelligence Community to engage in intelligence analysis. There are, however, no empirical criteria for determining whether intelligence is being distorted or misrepresented, or is simply being tested and subjected to alternative points of view. One man's legitimate "red team" is another man's inappropriate intelligence activity. To some extent, this is in the realm of beauty (or lack thereof) being in the eye of the beholder.

## **DOD INTELLIGENCE INTERROGATION POLICY**

**DOD Directive Number 3115.09 assigns the USD(I) responsibility for providing oversight of intelligence operations, detainee debriefings, and tactical questioning, and ensuring overall development, coordination, approval and promulgation of DOD policies and implementation of plans related to intelligence interrogations, detainee debriefings, and tactical questioning.**

### **71. Do you support the policy set forth in the July 7, 2005 memorandum issued by the Deputy Secretary of Defense England stating that all relevant DOD directives, regulations,**

**policies, practices, and procedures must fully comply with Common Article 3 of the Geneva Conventions?**

Yes. I fully support this policy.

**72. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2-22.3, issued in September 2006, and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?**

Yes. I fully support these standards.

**73. If confirmed, will you ensure that all DOD policies promulgated and plans implemented related to intelligence interrogations, detainee debriefings, and tactical questioning comply with the Common Article 3 of the Geneva Conventions and the Army Field Manual on interrogations?**

If confirmed, I will ensure that all relevant DOD policies and plans comply with applicable U.S. law and international obligations, including Common Article 3.

**74. Do you share the view of the Judge Advocates General that standards for detainee treatment must be based on the principles of reciprocity, in which we treat our own detainees may have a direct impact on the manner in which U.S. soldiers, sailors, airmen, or Marines are treated, should they be captured in future conflicts?**

**Under DOD Directive Number 3115.09, the USD(I) is responsible for developing policies and procedures, in coordination with the Under Secretary of Defense for Acquisition, the DOD General Counsel, and the appropriate DOD Components, to ensure that all contracts in support of intelligence interrogation operations include the obligation to comply with the standards of DOD Directive Number 3115.09 and exclude performance of inherently governmental functions in accordance with DOD Directive 1100.4 and that all contractor employees are properly trained.**

I strongly hold the view that the manner in which the United States treats detainees may well impact how captured U.S. soldiers, sailors, airmen, or Marines are treated in future conflicts. I believe that the Department's policies must be documented accordingly.

**75. What do you believe is the proper role of contractors in intelligence interrogation operations?**

I believe it is permissible for contractors to participate in detainee interrogations, as long as they comply with the policies and guidance which govern DOD military and civilian interrogators. As I understand it, DOD contractors who conduct government-approved interrogations must be properly supervised and closely monitored throughout the interrogation process, and may not, themselves, approve, supervise, or monitor interrogations.

**76. What steps would you take, if confirmed, to ensure that intelligence interrogation**

**operations are performed in a manner consistent with the requirements of the manpower mix and that contractors involved in such operations do not perform inherently governmental functions?**

If confirmed, I would ensure compliance with relevant DOD Directives.

These require that DOD contractors be trained and certified to the same standard as DOD military and civilian interrogators, that contract interrogators be properly supervised when conducting interrogations, and that contractors do not approve, supervise, or oversee interrogations. I would review, approve, and ensure coordination of all DOD component plans, policies, orders, directives, and doctrine related to intelligence interrogation operations, to include the role of contractors.

### **INTERROGATION TECHNIQUES**

**An August 25, 2006, report by the DOD Office of the Inspector General entitled “Review of DOD-Directed Investigations of Detainee Abuse” included the following finding: “The Under Secretary of Defense for Intelligence in coordination with the Commander, U.S. Joint Forces Command, should develop and implement policy and procedures to preclude introducing survival, escape, resistance, and evasion techniques in an environment other than training.”**

**77. Do you agree with the recommendation of the DOD IG that survival, escape, resistance, and evasion (SERE) techniques should not be introduced into an environment other than training?**

Yes. I fully agree with the DOD IG’s recommendation and support the US Joint Forces Commander’s policy prohibiting Joint Personnel Recovery Agency personnel from participating in any aspect of the intelligence interrogation process.

**78. Has this finding been implemented by the USD(I)?**

I am given to understand that the USD(I) fully supports the US Joint Forces Commander’s policy prohibiting Joint Personnel Recovery Agency personnel from participating in any aspect of the intelligence interrogation process. The OUSD(I) has requested that US Joint Forces Command restate this prohibition in its interrogation policy.

**79. If confirmed, would you ensure that policies and procedures are developed and implemented to preclude the introduction of SERE techniques in an environment other than training?**

If confirmed, I will ensure that the Commander of US Joint Forces Command interrogation policy prohibits Joint Personnel Recovery Agency personnel from participating in any aspect of intelligence interrogation operation.

### **CONGRESSIONAL OVERSIGHT**

**In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive**

**testimony, briefings, and other communications of information.**

**80. Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?**

Yes.

**81. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Intelligence?**

Yes.

**82. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this Committee and its staff and other appropriate Committees?**

Yes.

**83. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents.**

Yes.